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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/587,524	06/05/2000	Muro Costa	3-1-3	7397

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EXAMINER

AFSHAR, KAMRAN

ART UNIT

PAPER NUMBER

2682

DATE MAILED: 12/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/587,524

Applicant(s)

COSTA ET AL.

Examiner

Kamran Afshar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 June 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 8, 9, 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Gilhousen et al. (U.S. Patent 5,103,459).

Regarding claim 1, Gilhousen discloses a method of establishing transmission to mobile station via a radio network, the method comprising: mobile station; providing an indication of a radio service requirement to the mobile station (See Abstract, Co. 4, Lines 38-61, Co. 5, Lines 52-62).

Regarding claim 2, Gilhousen discloses the mobile station informs the radio network of the radio service requirement during an access phase (See Abstract, Co. 4, Lines 38-61, Co. 5, Lines 52-62).

Regarding claim 8, Gilhousen discloses the indication of the radio service requirements comprises at least a portion of at least one access value (See Co. 35, Line 50 – Co. 36, Line 10).

Regarding claim 9, Gilhousen discloses the mobile station returns the at least one access value to the radio network on an access channel (See Co. 35, Line 50 – Co. 36, Line 10).

Regarding claim 11, Gilhousen discloses the radio network comprises cells, and only cells capable of meeting the radio service requirement are measured in order to select one of them for use in the transmission (See Co. 5, Line 63 – Co. 6, Line 8).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3-5, 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilhousen et al. (U.S. Patent 5,103,459) in view of Sibecas et al. (U. S. Patent 5,940,756).

Regarding claim 3, Gilhousen discloses everything in claim 1 as applied above. However, Gilhousen was silent the paging message comprises the indication of the radio service requirement. Sibecas teaches the paging message comprises the indication of the radio service requirement (See Abstract, Co. 10, Line 25 – Co. 12 Line 8, Fig. 10-14). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide above teaching of Sibecas to Gilhousen to improve message deliver over existing communication systems w/o requiring any more dedicated selective call frequency allocations as suggested by Sibecas (See Co. 1, Lines 35-39).

Regarding claim 4, Sibecas discloses the indication of the radio service requirement is transmitted with the paging message (See Abstract, Co. 10, Line 25 – Co. 12 Line 8, Fig. 10-14).

Regarding claim 7, Sibecas discloses the indication of the radio service requirement comprises the radio service requirement (See Abstract, Co. 10, Line 25 – Co. 12 Line 8, Fig. 10-14).

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Regarding claim 5, Sibecas discloses the indication of the radio service requirements comprises properties of the cell capable of fulfilling the radio service requirement (See Abstract, Co. 3, Line 63 – Co. 4, Line 16, Co. 8, Line 56 – Co. 10, Line 8).

5. Claims 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilhousen et al. (U.S. Patent 5,103,459) in view of Sibecas et al. (U. S. Patent 5,940,756) further in view of Takeuchi (U.S. Patent 6,208,619).

Regarding claim 6, combined Gilhousen and Sibecas disclosed everything in claim 1, as applied above. However, combined Gilhousen and Sibecas failed teaching the indication of the radio service requirements comprise the required bandwidth of a cell. Takeuchi teaches the indication of the radio service requirements comprise the required bandwidth of a cell (See Abstract, Co. 10, Lines 33-47). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide above teaching of Takeuchi to combined Gilhousen and Sibecas to facilitate an allowable transmission bandwidth transmission and rate as suggested by Takeuchi (See Co. 2, Lines 26-34).

6. Claims 10, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilhousen et al. (U.S. Patent 5,103,459) in view of Pohajakallio (U. S. Patent 5,502,721).

Regarding claims 10, Gilhousen discloses everything in claim 1 as applied above. However, Gilhousen was silent the access channel is a random access channel. Pohajakallio teaches the access channel is a random access channel (See Abstract, Co. 5, Lines 29-40). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide above teaching of Pohajakallio to Gilhousen to a random-access-type packet

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data transfer request on a random-access-type organization channel as suggested by Pohajakallio (See Co. 2, Lines 24-25).

Regarding claim 12, Pohajakallio discloses the mobile station uses the indication of the radio service requirement when making access to the radio network (See Abstract, Co. 5, Lines 29-58).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

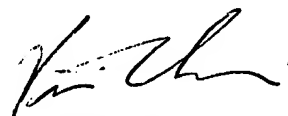
a. Ahmadi et al. U.S. Patent 5613198 A discloses Multiaccess scheme for mobile integrated local area networks.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Kamran Afshar whose telephone number is (703) 305-7373. The examiner can be reached on Monday-Friday.

If attempts to reach the examiner by the telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached @ (703) 308-6739. The fax number for the organization where this application or proceeding is assigned is (703) 872-9314 for all communications.



Kamran Afshar



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